

**MINUTES OF THE  
EAST COVENTRY TOWNSHIP BOARD OF SUPERVISORS  
MEETING HELD JULY 10, 2017  
(Approved 8/14/2017)**

The Board of Supervisors held its' regular monthly meeting on Monday, July 10, 2017. Present for the meeting were supervisors Ray Kolb, , Karen Nocella, Michael Albert Moyer and Anthony Duffy. Also present were Bernard A. Rodgers, Township Manager, Mark A. Hosterman, Township Solicitor and Brady Flaharty, Township Engineer. Supervisor W. Atlee Rinehart was absent.

Mr. Kolb called the meeting to order at 7:05 p.m. and the pledge of allegiance was recited.

Mr. Kolb turned the meeting over to Mr. Hosterman, who stated the Board of Supervisors held an Executive Session at 6:00 pm to discuss an Administration Personnel matter; interests in real estate, and negotiations of the Police contract.

Mr. Kolb called on ARRO Engineers, Inc. to make its presentation regarding its Proposed MS4 Pollutant Reduction Plan for the Township.

**MS4 Pollutant Reduction Plan (PRP)**

Mr. Michael R. Knouse, P.E., ARRO Engineers, presented the proposed PRP to the Board of Supervisors by reviewing and discussing the Memorandum with attachments dated July 5, 2017 that had been distributed with the meeting packet to the Board. He noted that the Township is required to renew its MS4 Permit issued by the PA DEP and the renewal application is due by September 16, 2017 and is required to include a PRP. He stated that the Township is responsible for submitting a PRP for: 1) Unnamed Tributaries to the Schuylkill River and 2) Pigeon Creek. These waters have been identified as being impaired for siltation and the Township is responsible for demonstrating a 10% reduction of sediment entering these waters. He noted that the PRP was prepared in accordance with DEP guidelines for combining PRPs which are tributary to a common impaired waterway.

He noted that several potential BMPs were evaluated to meet the required reduction and ARRO's recommendation is for the construction of one bioswale identified as BMP 09-BS1 on the Potential BMP map. The bioswale would be constructed within an existing vegetated swale for a length of approximately 30 linear feet with a probable cost of \$78,850.00. This bioswale would provide approximately 46,405 pounds/year of sediment reduction thereby meeting the Township's required goal. The following implementation schedule is proposed: MS4 Permit Authorization: March 2018; BMP 009-BS1 Bioswale: November 2022 (construction); and MS4 Permit Expiration; March 2023. Mr. Knouse noted that the operation and maintenance of the proposed bioswale will be minimal due to its location downstream of the existing stormwater basin in the Coventry Glen development. Mr. Knouse stated that the Township must provide a thirty (30) day review and comment period for the proposed MS4 PRP and hold a public meeting for comment as well. He recommended that the Board authorize advertising a Notice that the review period will be from July 17, 2017 through August 16, 2017 and that the public meeting will be held on August 14, 2017 (coinciding with the Board's August 2017 regular meeting).

Motion was made by Mrs. Nocella and seconded by Mr. Duffy to advertise the review period and public meeting per Mr. Knouse's recommendation. Mr. Kolb called for the motion. All members voted aye. Motion passed 4-0-0.

Mr. Kolb turned over the meeting to Mr. Hosterman to hold the Public Hearing for the SBA Towers Conditional Use Hearing.

## **PUBLIC HEARING**

### **Public Hearing on SBA Towers Conditional Use Application**

Mr. Hosterman stated that the Board of Supervisors is holding a public hearing to consider the conditional use application of SBA Towers, Inc. with a mailing address of c/o Lemanowicz, LLP 2012 North Bethlehem Pike, Suite 200-B3, Lower Gwynedd, Pa. 19002, hereafter known as Applicant. The applicant is a tenant of a portion of property owned by Parkerford Baptist Church located at 86 Baptist Church Road, Parker Ford, Pa. 19457. The applicant seeks conditional use approval to construct a 125- foot wireless communications facility (WCF) mono-pine style pole tower within a 5,625 square foot leased area on the tract of land located on the north side of Baptist Church Road and west of Old Schuylkill Road, being further identified as tax parcel 18-05-118.1, as well as related improvements including an equipment shelter, landscaping, parking and gravel access drive on an additional portion of the tract. The tract is in the R-2 Residential District and the WCF is proposed pursuant to the WCF provisions set forth in Part 20 of the Township Zoning Ordinance. Mr. Hosterman noted that copies of the full conditional use application are available at the East Coventry Township Building, 855 Ellis Woods Road, Pottstown, Pa. 19465 where a copy can be obtained at cost. He also noted that this is actually a zoning matter before the Board of Supervisors and if approved, will come back to the Board of Supervisors as a land development for approval. The property was posted and notices sent to appropriate property owners nearby. Mr. Hosterman stated that the applicant has the burden of proof and will present its case to the Board of Supervisors. The members of the Board will have an opportunity to make comments and ask questions on the application and the evidence presented. Then the public will have the same opportunity.

Attorney Lemanowicz started the hearing by swearing in three (3) expert witnesses: Joshua D. Hoagland, Andrew Petershon and Brian E. Seidel and a representative of the Church, Paul Lederer. Mr. Lederer is a Trustee for Parker Ford Baptist Church and stated that the Church authorized SBA Towers to proceed with the conditional use application. Mr. Hoagland is a professional engineer licensed in the State of Pennsylvania and provided testimony concerning the land development and zoning aspects of the conditional use application. Mr. Andrew Petershon is also a licensed professional engineer in Pennsylvania as well as several surrounding states. He is an electrical engineer involved with the design of wireless communications facilities, familiar with radio frequency communications and testified regarding the need for this proposed facility. Mr. Brian E. Seidel is a professional consultant hired by SBA and provided testimony concerning the visual compatibility of the proposed tower with the surrounding area and that the tower and plans that accompany it comply with the conditional use standards in effect in East Coventry Township.

Lance Parsons – 79 Brownstone drive, Pottstown, Pa. 19465 – inquired who would be responsible for the winter maintenance and if there were any provisions for repair of the church parking lot. The SBA representative stated that they typically hire a local contractor to perform the needed maintenance and that provisions had been agreed to with the Church on any repairs needed as a result of their activity.

Mr. Fred Steinruck – asked in general why the proposed tower was necessary. The explanation provided was that there was a gap in coverage in the area surrounding the proposed tower that could not be closed from any existing nearby facility and that the proposed tower was necessary to provide coverage to the 1 ½ sq. mile area surrounding the proposed tower.

Mr. Ralph Schellenger – raised his concern about the health and safety aspects of the system.

Mr. Robert Townsend – 1546 Old Schuylkill Road, Pottstown, Pa. 19465 – stated he lived about 1500 feet from proposed site and asked what industries existed within 1 ½ square mile that required more attention. A discussion ensued regarding the increased usage and type of usage from years past, especially with the advent of new technologies and increased data usage.

Ms. Sarah Nagy – 1632 Old Schuylkill Road, Parker Ford, Pa. – questioned if mono type poles under 200 feet in height did not have to register with the FCC so therefore, the FCC doesn't know they exist and or the amount of radio frequency being emitted. The SBA witness stated the 200 foot height came from FAA requirements that items over 200 foot might be a flight hazard and need to register while those under 200 foot would register only if directly in a flight path. He stated that the FCC doesn't require individual registration of towers except for cloud defining sites which he explained. Ms. Nagy also inquired about why these facilities were allowed in residential zones where they would have more effect on property values as well as health concerns.

Ms. Linda Ottaviano – 2364 Old Schuylkill Road, Pottstown, Pa. 19465 – inquired as to how and why particular properties were selected or chosen as a location for these types of facilities and the health effect of electromagnetic emissions.

Mr. Lemanowicz summarized that the Township's ordinance provides for wireless communications facilities when compliance with enumerated conditions are met. The purpose of the testimony and exhibits presented was to demonstrate compliance with those conditions and standards. He stated that they believe they are compliant with all enumerated standards and that the proposed facility will not have any significant adverse impact on the public health, safety and welfare.

Mr. Hosterman closed the hearing at 8:57 P.M noting that the Board of Supervisors has forty-five (45) in which to render a decision and that he would prepare findings of fact and a decision for consideration of the Board at its meeting in August 2017.

## **1. MINUTES**

### **June 12, 2107 Meeting Minutes**

Mrs. Nocella made a motion to approve the minutes of June 12, 2017 and Mr. Duffy seconded the motion. Mr. Kolb called for the vote and **the motion carried** with a 4-0-0 vote.

## **2. PUBLIC COMMENTS**

Mr. Walter Woessner, 164 Schoolhouse Road, Pottstown, PA 19465, asked if anything further can be done with the standing water on the shoulder in front of the newly constructed homes along East Cedarville Road. Mr. Flaharty stated he will review the situation to determine what else may be possible to mitigate the issue.

## **3. REPORTS**

### **Township Manager's Reports**

#### Zieber Road Bridge Closure Update

Mr. Rodgers provided the Board with two options from McMahon Associates, the Township Traffic Engineer, for opening the bridge. One for rehabilitation and the other for replacement. The cost for rehabilitations is \$259,100.00 and the cost for replacement is \$917,000.00. A short discussion ensued and Mr. Kolb stated that he thought the Township should consider the rehabilitation option as replacement was too expensive without grant money available. The consensus of the Board members was to table further consideration until additional information was available from Mc Mahon Associates.

#### Parkerford Intersection Update

Mr. Rodgers noted that in response to discussion at the June meeting McMahon Associates proposed installing six (6) ground Mounted delineator posts along Bethel Church Road across from Old

Schuylkill Road to discourage motorists from continuing onto Route 724 and place a “right turn only” pavement marking and stop bar on Old Schuylkill Road along with an additional “all traffic must turn right” sign and a “Stop Here on Red” sign on Bethel Church Road at the intersection. The consensus of the Board was that the delineator posts would not be enough of a deterrent and requested that McMahon present an option for a sturdier barrier.

#### Consideration of Approval of the Schuylkill River Trail Easement Agreements

Mr. Rodgers turned the discussion over to Mr. Hosterman. Mr. Hosterman explained that Chester County requires easements from the Township in order to construct the Schuylkill River Trail through property owned by the Township. His office had worked with the County to prepare a Trail Easement Agreement, Assignment of Easement and Memorandum of Understanding between the County of Chester and East Coventry Township that would allow the County to construct the Trail across Township owned parcel numbers 18-1-1-E; 18-1-3-E, 18-1-4-E and 18-1-5-E. Mr. Hosterman recommended that the Board authorize the appropriate Township Officials to sign the documents on behalf of the Township. Motion was made by Mrs. Nocella and seconded by Mr. Moyer to authorize the appropriate Township officials to sign the Trail Easement Agreement, Assignment of Easement and Memorandum of Understanding between the County of Chester and East Coventry Township. Mr. Kolb called for vote. All members voted aye. The motion was approved 4-0-0.

#### Consideration of Approval to Advertise Proposed Ordinance for Private Driveway/Private Street

Mr. Rodgers explained that in response to a recent Zoning Hearing Board Order determining the status of a private street Mr. Hosterman prepared a draft ordinance proposing to amend the definition of “Street, Private” and “Driveway, Private” and to add new definitions for same in order to more clearly distinguish between private streets and private driveways. Motion was made by Mr. Moyer and seconded by Mr. Duffy to authorize advertising the draft ordinance for adoption. Mr. Kolb called for the vote. All members voted aye. The motion passed 4-0-0.

#### Consideration of approval for the Special Fire Police Applications

Mr. Rodgers discussed the applications submitted for Special Fire Police Applications for the following events:

- Glen Deery – Kimberton Fire Company Fair – July 24, 2017 thru July 29, 2017 from 4:00 pm to 10:30 pm

Mrs. Nocella made a motion to approve the Fire Police Requests for the Kimberton Fire Co. Fair. Mr. Duffy seconded the motion. Mr. Kolb called for the vote and **the motion carried** with a 4-0-0 vote.

#### Consideration of Township Engineer’s Report

Mr. Duffy made a motion to approve the Township’s Engineer Report. Mrs. Nocella seconded the motion. Mr. Kolb called for the vote and **the motion carried** with a 4-0-0 vote.

#### Consideration of approving reports from various departments and committees

Mrs. Nocella made a motion to approve the reports from various departments and committees. Mr. Duffy seconded the motion. Mr. Kolb called for the vote and **the motion carried** with a 4-0-0 vote.

#### **4. Subdivision and Land Development**

Whispering Woods Subdivision & Land Development – Resolution No. 2017-18

A representative from Langan Engineers was presented and provided a brief review of the Whispering Woods Subdivision and Land Development which consists of an eighty (80) unit townhouse development at the intersection of Spiece Road and Old Schuylkill Road. Mr. Hosterman advised that the East Coventry Township Planning Commission had recommended this plan for approval by the Board his office had prepared Resolution NO. 2017-18 consisting of twenty (20) pages and Exhibit A

for the Board's approval. A summary of Resolution No. 2017-18 reads as follows:

**A Resolution of the Board of Supervisors of East Coventry Township, Chester County, Pennsylvania, granting approval of Final Subdivision and Land Development Plans submitted by Real Pro Enterprises, LP for the Whispering Woods Subdivision located along Spiece Road, Old Schuylkill Road and Ellis Woods road in East Coventry Township.**

**Motion** was made by Mr. Moyer and seconded by Mrs. Nocella to approve Resolution No. 2017-18 as prepared by the Township Solicitor. Mr. Kolb called for the vote. All members present voted aye. Motion Passed 4-0-0.

**5. Zoning Hearing Board Applications**

There were not any new Zoning Hearing Board Applications to review.

**6. Other Business**

**Discussion of the draft Noise Ordinance**

Mr. Hosterman provided a brief explanation of the proposed ordinance stating that the current noise regulations contained in the township's zoning ordinance would be removed from the zoning ordinance and approved as stand-alone ordinance outside of zoning. This would allow for the Township Police as well as the Code Official to enforce the requirements, eliminate any grandfathering of properties and make enforcement less cumbersome. Comments from Bob and Sandy Bauers, 169 Saw Mill Road dated July 5, 2017 were reviewed and audience were received. During discussion it was noted by Mr. Rodgers that the proper decibel/octave band analyzer for enforcement would cost approximately \$4500.00. The need for the noise ordinance was questioned by some audience members and a short discussion ensued on proper decibel levels, dirt bikes and enforcement methods. The consensus of the Board was to continue discussion at a later meeting.

**7. Exonerations**

Mr. Duffy made a motion to approve the Exonerations List. Mrs. Nocella seconded the motion. Mr. Kolb called for the vote and **the motion carried** with a 4-0-0 vote.

**8. Payment of Bills**

Mrs. Nocella made a motion to pay the bills as presented:

Fund Name	Amount to Pay
General Fund	258,573.10
Fire Hydrant Fund	1,017.32
Open Space	3,581.06
Sewer Operating Fund	16,880.59
Sewer Capital Fund	-
Traffic Impact Fee Fund	2,186.50
Capital Reserve	-
Highway State Aid Fund	13,436.61
TD Escrow	
<b>Totals</b>	<b>\$ <u>295,675.18</u></b>

Mr. Duffy seconded the motion. Mr. Kolb called for the vote and **the motion carried** with a 4-0-0 vote.

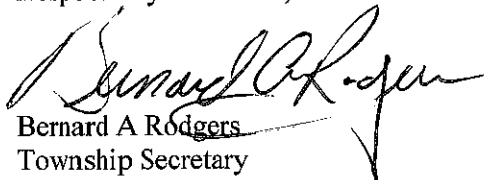
**9. Information Items and Additional Items to be Brought Before the Board**

Mr. Rodgers stated that he had discussed and reviewed with the Board, in executive session prior to the meeting, the resumes of two (2) individuals for consideration of the Administrative Assistant position. He requested authorization from the Board to hire one of those individuals to fill the position after the background checks were completed. Motion was made by Mr. Duffy and seconded by Mr. Moyer to authorize the Township Manager to hire one of the two individuals reviewed during executive session. Mr. Kolb called for the vote. All members voted aye. The motion was approved 4-0-0.

**10. Adjournment**

Mr. Duffy moved to adjourn the monthly meeting at 10:00 p.m. Mrs. Nocella seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 4-0-0 vote.

Respectfully submitted,

  
Bernard A Rodgers  
Township Secretary